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Open-ended Working Group taking forward multilateral nuclear disarmament negotiations[1]

Geneva 2016

Item 5 (b) of the agenda
Taking forward multilateral nuclear disarmament negotiations: recommendations on other measures that could contribute to taking forward multilateral nuclear disarmament negotiations, including but not limited to: (i) transparency measures related to the risks associated with existing nuclear weapons; (ii) measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations; and (iii) additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation

Nuclear weapons and security: A humanitarian perspective

Submitted by Austria

1. One comment that is frequently heard in conjunction with the Humanitarian Initiative is that it supposedly does not take the "security dimension" of nuclear weapons sufficiently into account. This point has been made particularly in the context of the current more challenging geopolitical environment, which has resulted in greater emphasis being again put on nuclear deterrence. The argument goes along the lines that, as long as the security context remains as challenging, nuclear weapons and the security provided by nuclear deterrence are essential. While States that rely on nuclear weapons, thus, point to the essential contribution of nuclear weapons for their security, States supporting the humanitarian initiative have highlighted the threat to their security that results from the existence of nuclear weapons.

2. This working paper aims to examine the notion of the security provided by nuclear weapons and nuclear deterrence from the perspective of the humanitarian initiative.

3. The case for nuclear deterrence is based on the credible threat of inflicting unacceptable destruction and consequences to a possible adversary, thus leading to restraint and rational behaviour on the part of all sides. The credibility of this threat is to be maintained with multiple nuclear strike and counter-strike capabilities of nuclear arsenals. At the same time, it is assumed that the threat alone will be sufficient in preventing that

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nuclear weapons will have to be deployed. However, the credibility of the threat requires readiness to use nuclear weapons.

4. The humanitarian initiative has raised serious arguments that challenge the foundation of this logic. As demonstrated through current research, the mid- and longer-term atmospheric, climate and food-security consequences of even a "limited nuclear war" would be considerably more serious than previously understood and global in their effects. In addition to the immediate humanitarian emergency, the consequences of the use of nuclear weapons combined and systemic impact on health, economy, mass migration, social order etc. are as of yet not fully understood.

5. If one considers this interrelationship and the scale of the humanitarian impact of nuclear weapons, the notion of credible nuclear first and counter-strike capabilities becomes largely irrelevant. From this perspective, nuclear deterrence rests not only on the readiness to inflict mass destruction with global consequences, but also on the readiness and awareness to commit to an essentially – at least potentially – suicidal course of action, as the destruction and consequences would likely be unacceptable for friend and foe alike, indeed for all humanity. Ultimately, it is difficult to reconcile this with the underlying foundation of nuclear deterrence that it leads to rational behaviour of all actors involved. The threat is either credible, which requires – in light of the new evidence - readiness to act entirely irrationally. Alternatively, the threat is non-credible since rational analysis cannot lead to the conclusion of risking the use of nuclear weapons. If the combined effects of the immediate, mid- and long-term consequences are global, unacceptable and destructive for everybody, the threat itself becomes non-credible. What remains is the considerable danger of escalation in crisis situations and the trust or hope that situations would in the end not spiral out of control. There is indeed more awareness about such possible crisis situations in light of the current geopolitical tensions.

6. In order to avoid these consequences, however, a 100 per cent guarantee had to coexist that nuclear deterrence would never fail. As a result of the humanitarian initiative, there is today a better awareness and understanding of the risks associated with nuclear weapons, indicating that such a 100 per cent guarantee does not exist. There appears to be an inherent contradiction between maintaining nuclear weapons in a manner that demonstrates readiness to always use them, as required for the credibility of nuclear deterrence, and the need to ensure that they will never be used by accident, human or technical error. The examples of past "near misses" give evidence that good fortune has in the past on several occasions prevented nuclear accidents or miscalculations that could have resulted in nuclear war. The research on a broad range of different risk drivers has raised further serious doubts in this context. The measures that would be necessary to reduce risks associated with nuclear weapons, however, are the ones that would restrict the readiness to – always – use nuclear weapons, thereby apparently undermining the very case for nuclear deterrence.

7. Moreover, it is now widely understood that no adequate capacity exists, neither at the State nor at the international level to respond to the scope and scale of consequences of nuclear weapons explosions, should the nuclear deterrence construct ever fail. The conclusions and arguments drawn from the humanitarian initiative, thus, challenge the equation on the security narrower dimension provided by nuclear weapons and nuclear deterrence. They underscore a widely shared concern that a continuation of a narrower security approach that rests and relies on these weapons poses too high a risk that may be based on a precarious illusion of security and safety.

8. The argument that the humanitarian initiative does not take the "security dimension" into account is therefore misleading. To the contrary, it puts the security at the centre of the debate and raises very serious issues and questions that challenge the narrower security perspective of States relying on nuclear weapons. Not only does the humanitarian

perspective raise valid concerns from the non-nuclear weapon States perspective as to the degree to which their own and their population's security may be threatened by the existence of these weapons in nuclear armed States. It equally raises questions to what extent the very security argument used by States that rely on nuclear weapons holds up to scrutiny. There is not a lower degree of danger for people living in nuclear armed States, on the contrary, the live under a heightened danger of a possible use of nuclear weapons against their country.

9. The humanitarian initiative looks at the consequences of nuclear weapons on human populations and the risks that are borne by all humanity by the continued existence of these weapons. The consequences would be trans-boundary and potentially global and impact on the security, well-being and survival of humans in nuclear armed States and non-nuclear weapons States alike. Consequently, the risks for the security of all may be far too high. At the core of the humanitarian initiative are therefore the questions about what security nuclear weapons provide and whose security should be focus of the nuclear weapons discourse and the international efforts to achieve a world without nuclear weapons.

10. A main function of the State is to protect and provide security to its population. In a "narrow security approach" the mere focus on State security triggers the question of the protection and security of the State's population. In a world driven by military logic nuclear weapons attract a counter strike. So the existence of nuclear weapons in a given State does not increase the protection and security of its population, but to the opposite lowers the protection and security of its population. A "narrow security approach" therefore does not appear to contradict the humanitarian approach. Rather, it leads to humanitarian considerations and reinforces the validity of the humanitarian approach.

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Open-ended Working Group taking forward multilateral nuclear disarmament negotiations[1]

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Item 5 (a) of the agenda
Taking forward multilateral nuclear disarmament negotiations: concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons

The "legal gap", the Treaty on the Non-Proliferation of Nuclear Weapons and different approaches on taking forward nuclear disarmament negotiations

Submitted by Austria

1. The "Humanitarian Pledge" that was presented at the Vienna Conference at the Humanitarian Impact of Nuclear Weapons (8–9 December 2014 www.hinwvienna14.at), inter alia calls"(...) on all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to renew their commitment to the urgent and full implementation of existing obligations under Article VI, and to this end, to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons(emphasis added)". Since its presentation, the issue of the "legal gap" has been the subject of some intense discussions, in particular during the 2015 NPT Review Conference and the First Committee of the 70th General Assembly of the United Nations.

2. More than 120 States have formally endorsed the "Humanitarian Pledge" and 139 States voted in favour of resolution 70/48 entitled "The Humanitarian Pledge for the Prohibition and Elimination of Nuclear Weapons" at the 70th session of the General Assembly of the United Nations. A large number of States has, thus, expressed a shared general understanding with the notion that such a "legal gap" exists and that the full implementation of the NPT Article VI obligation requires that this gap be filled through identifying and pursuing effective measures. Other States, however, have opposed this notion and contested the existence of a "legal gap" with respect to the NPT itself and nuclear disarmament in general. This working paper examines the "legal gap", its relationship with the NPT and the different approaches on how to take forward multilateral nuclear disarmament negotiations.

[1] Established pursuant to resolution 70/33 of the General Assembly of the United Nations.

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3. Compared to the nuclear disarmament obligation of Article VI, the NPT non-proliferation provisions have been operationalised in some detail. The basic non-proliferation obligations for nuclear weapon and non-nuclear weapon States are laid out in Articles 1 and 2 in terms of general prohibitions (prohibition of transfer, receipt, induction, assistance, manufacture and acquisition of nuclear weapons or other explosive nuclear devices). Article 3 stipulates the obligation of non-nuclear weapon States to conclude safeguards agreement with the International Atomic Energy Organization (IAEA). The negotiations of the specifics of these agreements was "outsourced" by the NPT to the IAEA in which context a comprehensive and multi-layered safeguards system has been developed over the past decades. Other treaties to complement the NPT non-proliferation and disarmament provisions are the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and a possible future fissile material cut-off treaty (FMCT). Nuclear weapon free zone treaties also concretize and complement the NPT goals. Moreover, the non-proliferation provisions of the NPT have been the inspiration for inter alia in Security Council resolution 1540, international export control arrangements (Nuclear Suppliers Group (NSG), Missile Technology Control Regime (MTCR)) and translated into national legislations. Additional ad hoc arrangements of limited membership have been established to further strengthen the NPT-based non-proliferation provisions, such as inter alia the Proliferation Security Initiative (PSI), the Global Initiative (GI) or the Nuclear Security Process.

4. There is thus general agreement that additional and more specific legally binding provisions and other normative arrangements are required to operationalise and complement the NPT non-proliferation provisions. Such treaties and arrangements can be universal, regional or ad hoc groupings with more limited participation. The legal gap(s) that the NPT left open on its non-proliferation pillar were filled over time – and continue to be filled - with a multitude of different effective legal and non-legal measures. The intended combined effect of these effective measures is to strengthen the global non-proliferation norm and form the framework for the fulfilment of the NPT the obligations and commitments of member States.

5. The obligation under Article VI is the only legally binding multilateral nuclear disarmament provision and hence the general basis for multilateral nuclear disarmament efforts. However, it does not provide specific guidance what kind of negotiations should be pursued in good faith nor what the effective measures relating to the cessation of the nuclear arms race should be. Even more so than with the NPT non-proliferation obligations, the NPT therefore leaves a – or several – gap(s) with respect to the specific legal and non-legal measures that are required for the fulfilment of Article VI.

6. Building upon the Article VI obligation, a variety of effective measures, such as those specified in Final Documents of past NPT Review Conferences, in particular 1995, 2000 and 2010, were identified as being required to achieve and maintain a world without nuclear weapons. They include non-legal measures such as the reduction and elimination of nuclear weapons, the reduction of the roles of nuclear weapons in security doctrines, confidence building and transparency and various risk reduction measures. The prohibition of nuclear testing (CTBT) or pursuing a prohibition of the production of fissile materials for nuclear weapons (FMCT) are broadly recognised effective legal measures to fill specific or partial legal gaps for the implementation of the NPT nuclear disarmament (and non-proliferation) obligations. Other legal measures such as the prohibition of the use, production stockpiling and transfer of nuclear weapons have not yet been considered in detail in the NPT context. However, it is clear that such measures are required for achieving and maintaining a world without nuclear weapons. Verification arrangements – legally binding as well as not legally binding – will also be a key element, especially to maintain a nuclear weapon free world.

7. The very structure of the NPT requires additional legal (and non-legal) measures for its full implementation. This applies to Article VI just as much as it applies to the non-proliferation obligations. All the elements listed above therefore represent different legal and non-legal gaps that will have to be "filled" for the full implementation of existing obligations under Article VI and for the achievement and maintenance of a world without nuclear weapons. Similar to implementing the non-proliferation obligations of the NPT, the different nuclear disarmament measures can and should be pursued in parallel as best as possible and feasible. The combined effect of all different legal and non-legal measures will amount to the full implementation of Article VI and provide the multilateral framework for the achievement and maintenance of a world without nuclear weapons.

8. The existence of a "legal gap for the prohibition and elimination of nuclear weapons" is therefore evident. Moreover, it should also be recognized that the obligation under Article VI that is applicable to all State parties requires efforts to pursue and identify effective legal (and other) measures. Action 1 of the 2010 Action Plan underlines this by declaring that "All States parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.

9. Several different approaches have been discussed on how to take forward multilateral nuclear disarmament forward. The "New Agenda Coalition", for example, examined the different effective legal measures, namely the so-called "step-by-step", "building blocks", "comprehensive nuclear weapons convention", "prohibition/ban treaty" or "framework convention" approaches in working papers, most recently at the 2015 NPT Review Conference (NPT/CONF.2015/WP.9). All of these approaches are aimed at implementing Article VI and how a world without nuclear weapons should be achieved. Consequently, they also represent different avenues for the prohibition and elimination of nuclear weapons.

10. These approaches are frequently juxtaposed, in particular, the "step-by-step" approach with a "comprehensive nuclear weapons convention" or a "prohibition/ban-treaty". Some of these different viewpoints, however, appear to be based on false dichotomies and may be misleading. Cleary and as mentioned above, achieving and maintaining a world without nuclear weapons requires a multitude of legal and non-legal measures. The "step-by-step" approach by definition recognizes that multiple measures are needed and essentially refers to a combination and sequence of different legal and non-legal measures. Conceptually, these different measures would include both, a "nuclear weapons convention" and/or a "prohibition/ban treaty". A "comprehensive nuclear weapons convention" foresees the legally binding codification of all effective legal measures required to achieve, but primarily, to maintain a world without nuclear weapons. A prohibition/ban-treaty, would likely entail the prohibition of use, stockpiling, production and transfer of nuclear weapons, without necessarily addressing all effective legal measures covered by a nuclear weapons convention. It could also be considered as one (legal) in a "step-by-step" approach as well as a sub-set of a "comprehensive nuclear weapons convention" that would cover legally binding prohibitions but maybe not all other elements, such as for example verification measures. Consequently, these approaches should not be considered as in competition with one another or mutually exclusive but as complementary. All approaches have much in common as they aim at reinforcing the implementation of Article VI and taking forward nuclear disarmament negotiations.

11. The divergences of views that continue to persist may therefore relate less to the different legal approaches to nuclear disarmament and more to the underlying motivation and the sense of urgency with which nuclear disarmament is pursued and, following from this, what priority should be given to which effective legal and non-legal measures. When States with nuclear weapons and States in nuclear alliances argue in favour of a "step-by-step" approach, they tended to refer to an approach they see as compatible with maintaining

nuclear weapons based security system, for as long as this is deemed necessary. In practice, this has meant support only for gradual steps, both legal and non-legal, where nuclear deterrence doctrines can be maintained essentially unchanged until a – as yet unspecified – "final stage" when nuclear disarmament is achieved. It thus appears that the identification and pursuing of "effective legal measures for the prohibition and elimination of nuclear weapons" is not a priority issue and supported by those States precisely because it is considered incompatible with the – perceived – need of maintaining a nuclear weapons based security system, at least for the time being.

12. The focus of the humanitarian initiative on the impact of and the risks associated with nuclear weapons has provided a set of arguments for urgent progress on nuclear disarmament and for moving away from nuclear weapons based security system. The "Humanitarian Pledge" builds upon these arguments and draws conclusions that should be drawn from the new evidence and formulates a different set of priorities. It stipulates that humanitarian concerns "should be at the centre of all deliberations, obligations and commitments with regard to nuclear disarmament". It underscores the importance of the "protection of civilians against risks stemming from nuclear weapons" and lists a number of "interim measures to reduce the risk of nuclear weapon detonations". Finally, it highlights the urgent need to "identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons" (...) in light of the unacceptable humanitarian consequences and risks associated with nuclear weapons.

13. Different perspectives on the motivation and the priorities appear to be at the centre of the differences of opinion of how to take forward multilateral nuclear disarmament negotiations and how to address the "legal gap for the prohibition and elimination of nuclear weapons": The step-by-step approach says that only such nuclear disarmament measures can be taken that allow, at the same time, for the maintenance of a nuclear weapons based security system. The humanitarian initiative states that in light of the unacceptable humanitarian consequences and risks associated with nuclear weapons all possible effective measures – legal and non-legal – need to be taken in order to move away from nuclear weapons based security system with urgency.

Conclusion

14. It should be possible to set aside the divergences of views regarding the existence of a "legal gap" as well as regarding the complementarity with the NPT of all efforts to fill or address this and other gaps on disarmament and non-proliferation alike. A discussion on the approaches on how to take forward multilateral nuclear disarmament negotiations forward the different approaches is overdue. However, these approaches may be more complementary than is often assumed. At the core of the substantive differences in the debate on the "legal gap" is the underlying motivation of different stakeholders for nuclear disarmament and which priority is therefore given to different effective legal and non-legal measures.

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Open-ended Working Group taking forward multilateral nuclear disarmament negotiations[1]

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Item 5 of the agenda
Taking forward multilateral nuclear disarmament negotiations

Nuclear Disarmament by the Community of Latin American and Caribbean States (CELAC)[2]

Submitted by the Dominican Republic in its capacity of President *pro tempore* of CELAC

Introduction

1. The Community of Latin American and Caribbean States (CELAC) recalls our deep concern for the threat to humanity caused by the ongoing existence of nuclear weapons, their use or the threat of their use, due to the potential damages on health, food security, climate change, among others, as well as the lack of capacity of countries and organizations to face a humanitarian catastrophe of such magnitude. We recall also the results of the Conferences on the Humanitarian Impact of Nuclear Weapons held in Oslo, Nayarit and Vienna and we declare that, such weapons must not be used again, under any circumstances, and that the use or threat of use of nuclear weapons constitutes a violation of the United Nations Charter and a violation of International Law and International Humanitarian Law, and a crime against humanity.

2. CELAC emphasizes our condemnation of the enhancement of existing nuclear weapons and the development of new types of nuclear weapons, which is inconsistent with the obligation of adopting effective measures towards nuclear disarmament. CELAC declares its rejection to nuclear testing and all strategic concepts for the defense and security justifying the use or threat of use of nuclear weapons, or based on the promotion and establishment of military alliances and policies based on nuclear weapons and on policies of nuclear deterrence.

[1] Established pursuant to resolution 70/33 of the General Assembly of the United Nations.

[2] Member States of CELAC: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivarian Republic of Venezuela, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Plurinational State of Bolivia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago and Uruguay.

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3. CELAC also reiterates that cessation of all test explosions of nuclear weapons and all other nuclear explosions, by restricting the development and qualitative improvement of nuclear weapons and ending the manufacture of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects.

CELAC and nuclear disarmament

4. CELAC reiterates the value and importance to international peace and security of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and its protocols, which established the first Nuclear-Weapon-Free Zone in a densely populated area.

5. CELAC reaffirms its commitment for the consolidation of Latin America and the Caribbean as a "zone of peace" as proclaimed during the Second CELAC Summit held in La Havana, Cuba, on 29 January 2014, where it was declared the continuous obligation of the States in the region to promote nuclear disarmament as a primary objective and to contribute to the complete and general disarmament as well as to strengthening trust among nations.

6. CELAC recalls that the Heads of State and Government of CELAC endorsed the Humanitarian Pledge during the Community Summit held in Belén, Costa Rica, on 28 and 29 January 2015. We welcome its endorsement by 122 States and therefore urge Sates that have not done it to do so.

7. CELAC regrets the continued non-fulfillment of the obligations of the nuclear-armed States relating to nuclear disarmament under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the commitments of the NPT Review Conferences. We recall that the NPT does not establish any right to the indefinite possession of nuclear weapons by any state, but recognizes a transitional status, subject to compliance with Article VI.

8. CELAC reiterates, on the twentieth anniversary of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the vital importance and urgency of the entry into force of that Treaty and urge those countries listed in annex II that have not done so, to sign or ratify this important international instrument as soon as possible. We also underline the urgent need for progress on this and other effective measures of nuclear disarmament, so to give effect to Article VI of the NPT.

Multilateral negotiations

9. CELAC is committed with the beginning of a multilateral diplomatic process for the negotiation of a legally binding instrument for the prohibition and elimination of nuclear weapons in a transparent, irreversible and verifiable manner, within a temporal time frame agreed multilaterally. Such instrument is a necessary measure on nuclear disarmament and would fulfill the obligation of States Parties to the NPT as stated in Article VI of the Treaty. It is the intention of the CELAC member States to start exploring concrete and practical ways in which this instrument could be negotiated and adopted as soon as possible.

10. CELAC welcomes with appreciation the decision of the General Assembly to hold a high level conference no later than 2018 to identify measures and actions to eliminate nuclear weapons at the shortest possible term, aiming at adopting a treaty banning the development, production, procurement, testing, stockpiling, transfer, use or threat to use of

nuclear weapons, and providing for their destruction within a multilaterally agreed timeframe.

CELAC and OEWG

11. In this regard, CELAC supports the establishment of the Open-Ended Working Group in accordance with resolution 70/33 approved on 7 December by the General Assembly of the United Nations and commits to work in this forum in an active and constructive manner, continuing with the Latin American and Caribbean political and moral leadership on this subject, in order to contribute towards the fulfillment of the Group's mandate to substantively address measures, and the concrete and effective legal dispositions necessary to the urgent adoption of a comprehensive convention providing for the prohibition and total elimination of nuclear weapons and allowing to establish and maintain a nuclear weapon free world. CELAC looks forward to presenting concrete contributions to this forum.

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Open-ended Working Group taking forward multilateral nuclear disarmament negotiations[1]

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Item 5 of the agenda
Taking forward multilateral nuclear disarmament negotiations

Position paper on nuclear disarmament by the Community of Latin American and Caribbean States (CELAC)[2]

Submitted by the Dominican Republic in its capacity of President *pro tempore* of CELAC

Introduction

1. The Community of Latin American and Caribbean States (CELAC) recalls our deep concern for the threat to humanity caused by the ongoing existence of nuclear weapons, their use or the threat of their use, due to the potential damages on health, food security, climate change, among others, as well as the lack of capacity of countries and organizations to face a humanitarian catastrophe of such magnitude. We recall also the results of the Conferences on the Humanitarian Impact of Nuclear Weapons held in Oslo, Nayarit and Vienna and we declare that, such weapons must not be used again, under any circumstances, and that the use or threat of use of nuclear weapons constitutes a violation of the United Nations Charter and a violation of International Law and International Humanitarian Law, and a crime against humanity.

2. CELAC emphasizes our condemnation of the enhancement of existing nuclear weapons and the development of new types of nuclear weapons, which is inconsistent with the obligation of adopting effective measures towards nuclear disarmament. CELAC declares its rejection to nuclear testing and all strategic concepts for the defense and security justifying the use or threat of use of nuclear weapons, or based on the promotion and establishment of military alliances and policies based on nuclear weapons and on policies of nuclear deterrence.

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[2] Member States of CELAC: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivarian Republic of Venezuela, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Plurinational State of Bolivia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago and Uruguay.

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3. CELAC also reiterates that cessation of all test explosions of nuclear weapons and all other nuclear explosions, by restricting the development and qualitative improvement of nuclear weapons and ending the manufacture of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects.

CELAC and nuclear disarmament

4. CELAC reiterates the value and importance to international peace and security of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and its protocols, which established the first Nuclear-Weapon-Free Zone in a densely populated area.

5. CELAC reaffirms its commitment for the consolidation of Latin America and the Caribbean as a "zone of peace" as proclaimed during the Second CELAC Summit held in La Havana, Cuba, on 29 January 2014, where it was declared the continuous obligation of the States in the region to promote nuclear disarmament as a primary objective and to contribute to the complete and general disarmament as well as to strengthening trust among nations.

6. CELAC recalls that the Heads of State and Government of CELAC endorsed the Humanitarian Pledge during the Community Summit held in Belén, Costa Rica, on 28 and 29 January 2015. We welcome its endorsement by 122 States and therefore urge Sates that have not done it to do so.

7. CELAC regrets the continued non-fulfillment of the obligations of the nuclear-armed States relating to nuclear disarmament under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the commitments of the NPT Review Conferences. We recall that the NPT does not establish any right to the indefinite possession of nuclear weapons by any state, but recognizes a transitional status, subject to compliance with Article VI.

8. CELAC reiterates, on the twentieth anniversary of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the vital importance and urgency of the entry into force of that Treaty and urge those countries listed in annex II that have not done so, to sign or ratify this important international instrument as soon as possible. We also underline the urgent need for progress on this and other effective measures of nuclear disarmament, so to give effect to Article VI of the NPT.

Multilateral negotiations

9. CELAC is committed with the beginning of a multilateral diplomatic process for the negotiation of a legally binding instrument for the prohibition and elimination of nuclear weapons in a transparent, irreversible and verifiable manner, within a temporal time frame agreed multilaterally. Such instrument is a necessary measure on nuclear disarmament and would fulfill the obligation of States Parties to the NPT as stated in Article VI of the Treaty. It is the intention of the CELAC member States to start exploring concrete and practical ways in which this instrument could be negotiated and adopted as soon as possible.

10. CELAC welcomes with appreciation the decision of the General Assembly to hold a high level conference no later than 2018 to identify measures and actions to eliminate nuclear weapons at the shortest possible term, aiming at adopting a treaty banning the development, production, procurement, testing, stockpiling, transfer, use or threat to use of

nuclear weapons, and providing for their destruction within a multilaterally agreed timeframe.

CELAC and OEWG

11. In this regard, CELAC supports the establishment of the Open-Ended Working Group in accordance with resolution 70/33 approved on 7 December by the General Assembly of the United Nations and commits to work in this forum in an active and constructive manner, continuing with the Latin American and Caribbean political and moral leadership on this subject, in order to contribute towards the fulfillment of the Group's mandate to substantively address measures, and the concrete and effective legal dispositions necessary to the urgent adoption of a comprehensive convention providing for the prohibition and total elimination of nuclear weapons and allowing to establish and maintain a nuclear weapon free world. CELAC looks forward to presenting concrete contributions to this forum.

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Open-ended Working Group taking forward multilateral nuclear disarmament negotiations[1]

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Item 5 of the agenda
Taking forward multilateral nuclear disarmament negotiations

Views and recommendations with regard to issues related to taking forward multilateral nuclear disarmament negotiations

Submitted by the Islamic Republic of Iran

I. Introduction

1. This paper contains the main views and recommendations of the Islamic Republic of Iran in regard to issues related to taking forward multilateral nuclear disarmament negotiations, including "concrete effective legal measures and provisions to attain and maintain a nuclear-weapon-free-world", "measures that could contribute to taking forward multilateral nuclear disarmament negotiations", "transparency measures related to the risks associated with existing nuclear weapons", "measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations", and "measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear weapon detonation".

II. Taking forward multilateral nuclear disarmament negotiations

2. Nuclear weapons are the most horrendous weapons ever made. They are unique in their destructive power; in the unspeakable human suffering they cause; in the impossibility of controlling their effects in time and space; and in the threat they pose to the environment, to future generations, and indeed to the survival of humanity. For such reasons, in the view of the Islamic Republic of Iran, there is no absolute guarantee against the threat or use of nuclear weapons other than their total elimination. This is a 71-year-old strong global demand and, since the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons in 1970, is a 46-year-old explicit legal obligation, the accomplishment of which is

[1] Established pursuant to resolution 70/33 of the General Assembly of the United Nations.

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neither conditional nor optional. Nuclear disarmament is an obligation that cannot be replaced, either by nuclear weapon reductions and the establishment of nuclear-weapon-free zones, or by any other arrangement or mechanism short of the total, irreversible and internationally verifiable elimination of all nuclear weapons globally in accordance with a universal legally binding instrument that also assures they will never be produced again.

3. The Islamic Republic of Iran strongly believes that the main purpose of the Non-Proliferation Treaty is to ensure, through preventing the non-nuclear-weapon States from acquiring nuclear weapons and disarming nuclear-weapon States, that no one have nuclear weapons. Accordingly, the Islamic Republic of Iran continues to strongly reject, and to consider incompatible with the object and purpose of the Treaty, any assumption that the indefinite extension of the Treaty implies the indefinite possession by the nuclear-weapon States of their nuclear arsenals or they are legitimately held weapons. The Islamic Republic of Iran asserts that, as unanimously concluded by the International Court of Justice in its advisory opinion, taking all necessary practical measures for the total elimination of all nuclear weapons worldwide, including to pursue in "good faith" and "bring to a conclusion negotiations" leading to nuclear disarmament in all its aspects under strict and effective international control, is a legal obligation to which all States Parties of the Non-Proliferation Treaty are committed under its Article VI.

4. The Islamic Republic of Iran believes that the main challenge of nuclear disarmament is the lack of genuine political will by the nuclear-weapon States to fulfil their legal obligations under article VI of the Non-Proliferation Treaty and implement their unequivocal undertakings to accomplish the total elimination of their nuclear arsenals. A fair and realistic assessment of the actual results of policies, efforts, decisions, initiatives and other measures, on nuclear disarmament, at the unilateral, bilateral, regional, and international levels, indicates that, in the absence of a strong genuine political will by the nuclear-weapon States, even the adoption of the most practical decisions, action plans, and above all, having in place a universal legally binding instrument, will not lead the international community of States to a nuclear-weapon-free world. Current lack of genuine political will by the nuclear-weapon States, definitely will add to already existing frustration of the non-nuclear-weapon States, and gradually erode the validity and credibility of the Treaty, lessen its effectiveness, and negatively impact the international peace and security, which certainly is not in the common interest of the present and future generations. Accordingly, The Islamic Republic of Iran is of the view that the urgent fulfilment of obligations under article VI of the Non-Proliferation Treaty is an urgent task and highly imperative.

III. Concrete effective legal measures and provisions to attain and maintain a nuclear-weapon-free world

5. While expressing deep disappointment over the lack of tangible progress so far in the implementation of the obligations under article VI of the Non-Proliferation Treaty, and the unequivocal commitments under the 13 practical steps for the systematic and progressive efforts to implement Article VI of the Treaty and the 2010 action plan on nuclear disarmament, the Islamic Republic of Iran underlines the continued validity of all such obligations and commitments until all their objectives are achieved. The Islamic Republic of Iran strongly believes that the lack of practical progress on the fulfilment of such obligations and the unequivocal commitments cannot continue indefinitely, and therefore, their implementation should be time bound, defined by taking into account the long delay in their fulfilment and the urgent need for their full implementation.

6. The Islamic Republic of Iran acknowledges the strong support, expressed at the first ever high-level meeting of the United Nations General Assembly on nuclear disarmament,

on 26 September 2013, for taking urgent and effective measures to achieve the total elimination of nuclear weapons, as well as the "urgent compliance with the legal obligations and the fulfilment of the commitments undertaken on nuclear disarmament". In this regard, the Islamic Republic of Iran underscores that the United Nations General Assembly, through its resolutions 68/32, 69/38 and 70/34, has repeatedly called upon all States to urgently commence the negotiations, in the Conference on Disarmament, for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction. The Islamic Republic of Iran strongly holds that such a comprehensive convention is the only practical way and the best concrete effective legal framework required for achieving and maintaining a nuclear-weapon-free-world.

IV. Measures that could contribute to taking forward multilateral nuclear disarmament negotiations

7. Taking into account the longstanding strong international demand for the total elimination of nuclear weapons worldwide, the Islamic Republic of Iran believes that the only main challenge of multilateral nuclear disarmament negotiations is the lack of genuine political will by the nuclear-weapon States to fulfil their legal obligations under article VI of the Non-Proliferation Treaty and implement their unequivocal undertakings to accomplish the total elimination of their nuclear arsenals. Therefore, in regard to the lack of progress in multilateral nuclear disarmament negotiations, one should not point the finger at the relevant institutions, as they have accomplished, with the same structure and rules of procedure, considerable achievements in the past. In this context, the Islamic Republic of Iran believes that the international community should continue to urge all nuclear-weapon States to demonstrate strong genuine political will to advance multilateral nuclear disarmament negotiations in the fulfilment of their legal obligations to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. In so doing, the international community is advised to take advantage of the momentum on nuclear disarmament, created, inter alia, by the first ever high-level meeting of the General Assembly on nuclear disarmament, on 26 September 2013, the annual high-level meetings of the General Assembly in 2014 and 2015 to observe the International Day for the Total Elimination of Nuclear Weapons, as well as the three conferences on the humanitarian impact of nuclear weapons, in 2013 and 2014.

V. Transparency measures related to the risks associated with existing nuclear weapons

8. While underlining, once again, that there is no absolute guarantee against the threat or use of nuclear weapons other than their total elimination, the Islamic Republic of Iran stresses that no measure can replace the total, irreversible and internationally verifiable elimination of all nuclear weapons. However, pending such a time, there is a strong need for taking all necessary measures to reduce the risks associated with existing nuclear weapons. However, in the view of the Islamic Republic of Iran, measures to reduce such risks are not confined to "transparency measures" only. Therefore, the role and relevance of other measures in reducing the risks associated with existing nuclear weapons should not be underestimated.

9. In this context, the Islamic Republic of Iran believes that the establishment of nuclear-weapon-free zones in different parts of the world can contribute to reducing the risks associated with existing nuclear weapons. However, they are not a substitute for the total elimination of nuclear weapons worldwide. They should be considered incomplete

unless and until the establishment of a nuclear-weapon-free world. At the same time, the effectiveness of such zones can be promoted through granting, by all nuclear-weapon States, of full, effective, non-discriminatory, unconditional and irrevocable legally binding security assurances to all the parties to treaties establishing these zones against the threat or use of nuclear weapons under all circumstances. Moreover, the establishment of such zones in certain parts of the world, including in particular, the Middle East is of outmost importance. Taking into account the fact that the refusal of the Israeli regime to participate in the implementation of the resolutions and decisions on the establishment of a nuclear-weapon-free zone in the Middle East is the only obstacle for the realization of such a zone, the international community should continue to exert outmost pressure on this regime to compel it to accede, without any precondition or further delay, to the Non-Proliferation Treaty, as a non-nuclear-weapon party, and to place all of its nuclear facilities and activities under the comprehensive safeguards of the International Atomic Energy Agency. It should be recalled that, the 2015 Review Conference of the Parties to the Non-Proliferation Treaty was regrettably unable to adopt a final document due only to the refusal of Israel to accept the implementation of the 1995 resolution and the 2010 plan of action on the Middle East, as reflected in the unwillingness of certain nuclear-weapon States to support the adoption of such an outcome document.

10. Moreover, taking into account the serious security threat that the existence of thousands of nuclear weapons continues to pose to the very survival of humankind, and the fact that as long as such weapons exist, the risk of their possible use or threat of use persists, and thus, the total elimination is the only absolute guarantee against their use or threat of use, and taking into account the fact that current frameworks to provide security assurances are very limited, conditional and insufficient, there is a dire need, pending the realization of this objective and as an interim measure only, to grant to all non-nuclear-weapon States parties to Non-Proliferation Treaty, effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances.

11. Additionally, preventing terrorist groups from developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear weapons is among the important measures that can contribute to reducing the risks associated with existing nuclear weapons.

12. Likewise, ceasing all efforts to upgrade existing nuclear weapons or to research on and develop new types of nuclear weapons or other nuclear explosive devices and their means of delivery, as well as not to conduct nuclear-weapon test explosions or any other nuclear explosions, and nuclear-weapon tests in alternative ways, including subcritical nuclear tests or computer simulated nuclear explosions and to close and dismantle any sites for nuclear-test explosions and their associated infrastructure, are among the measures that can contribute to reducing the risks associated with existing nuclear weapons.

13. Similarly, reducing the operational status of nuclear weapons, including through complete de-targeting and de-alerting, as well excluding the role of any type of nuclear weapons in the security strategies, concepts, policies or doctrines of all nuclear-weapon States are among the measures that can reduce the risks associated with existing nuclear weapons.

14. As regards the specific transparency measures, the Islamic Republic of Iran believes that taking, inter alia, the following measure by all nuclear-weapon States can also contribute to reducing the risks associated with existing nuclear weapons:

(a) To publish regular updates about the number, types, destructive power, status and place of their nuclear weapons, as well as the number and type of their delivery vehicles;

(b) To publish regular updates about the plans, expenditures and number of facilities related to the modernization of nuclear weapons, as well as the amount of their fissile material for military purposes;

(c) To release all information related to the measures they have taken aimed at reducing the risks associated with existing nuclear weapons; and

(d) To conclude safeguards agreements with the International Atomic Energy Agency for enabling the Agency to verify the fulfilment of their nuclear disarmament obligations, including to prevent further diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices and to place under the Agency safeguards fissile materials transferred from military programmes.

VI. Measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations

15. This is a fact that our planet still is heavily booby-trapped with thousands of nuclear warheads and unless they are eliminated completely, they will almost certainly be used again, either intentionally or by accident, and in either case the consequences will be catastrophic, since the existing nuclear weapons have destructive power enough to transform the Earth into a dead planet. Tens of mishaps that might have started accidental nuclear war and other nuclear-weapon accidents - many of which remain unknown to the public - confirm this assessment. Therefore, reducing and eliminating the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations is an urgent task.

16. To that end, the Islamic Republic of Iran believes that all nuclear-weapon States should be urged to take, as a matter of priority, all necessary measures, including the following, to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations:

(a) To undertake all efforts necessary to comprehensively address the risks of unintended nuclear detonations, including, but not limited to, protection of command and control systems against potential cyber threats;

(b) To reduce the operational status of nuclear weapons, including through complete de-targeting and de-alerting, as well excluding the role of any type of nuclear weapons in their security strategies, concepts, policies or doctrines;

(c) To take all necessary measures to prevent the theft or loss of nuclear-weapon related materials;

(d) To refrain from transferring their nuclear-weapons beyond their national borders; and

(e) To end nuclear-weapon-sharing under any arrangements.

VII. Measures to increase awareness about humanitarian consequences of any nuclear weapon detonation

17. The Islamic Republic of Iran strongly holds that to have all kinds of information about the economic, political, security, environmental and above all humanitarian consequences of the nuclear weapons and their possible detonation is the right of each and every individual in our planet, and States have the responsibility to take necessary measures for the fulfilment of this right. At the same time, the Islamic Republic of Iran believes that awareness of the peoples around the world about the facts and figures related to the overall consequences of the nuclear weapons, in particular their possible detonation, is an essential

asset, a powerful driving force and a valuable support to pursue the objective of a total elimination of nuclear weapons. In this regard, the Islamic Republic of Iran supports the role of civil society, including non-governmental organizations, academia, parliamentarians and the mass media, in advancing this objective.

18. In this context, the Islamic Republic of Iran fully acknowledges the importance of 26 September of every year which is declared, by the General Assembly in its resolution 68/32, "as the International Day for the Total Elimination of Nuclear Weapons devoted to furthering this objective, including through enhancing public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination, in order to mobilize international efforts towards achieving the common goal of a nuclear-weapon-free world". Likewise, the Islamic Republic of Iran underlines the importance of the three conferences on the humanitarian impact of nuclear weapons, in 2013 and 2014, in raising awareness about different humanitarian consequences of nuclear weapon detonation. Consequently, the Islamic Republic of Iran is of the view that all States need to enhance public awareness about the threat of nuclear weapons, including the humanitarian consequences of nuclear weapon detonation, in particular through continued observance of 26 September as the International Day for the Total Elimination of Nuclear Weapons. In addition, the Islamic Republic of Iran supports the continuation of holding conferences on the humanitarian impact of nuclear weapons. Furthermore, the Islamic Republic of Iran encourages civil society, academia, parliamentarians and the mass media to continue enhancing public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination. Finally, informing the public about the number, types and destructive power of nuclear weapons and consequences of any possible nuclear weapon detonation on different aspects of life of the peoples can be the main element of such activities.

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Open-ended Working Group taking forward multilateral nuclear disarmament negotiations[1]

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Item 5 (a) of the agenda
Taking forward multilateral nuclear disarmament negotiations: concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons

Empirical analysis of pathways for taking forward multilateral nuclear disarmament negotiations

Submitted by Costa Rica and Malaysia

I. Introduction

1. The open-ended working group is mandated to substantively address concrete effective legal measures, legal provisions and norms that would need to be concluded to attain and maintain a world without nuclear weapons, and also to substantively address recommendations on other measures that could contribute to taking forward multilateral nuclear disarmament negotiations. Since the conclusion of the Treaty on the Non-Proliferation of Nuclear Weapon (NPT) in 1968, various legal and other measures have been proposed to advance nuclear disarmament, and their respective advantages and shortcomings have been widely studied, discussed and debated in many settings.

2. This paper seeks to analyze and compare a range of such measures not on the basis of their inherent qualities or drawbacks, but purely in empirical and pragmatic terms as pathways for moving forward. That is, the paper considers to what extent progress on a given measure is possible in the current political and diplomatic environment, assuming that the official positions of States are based on genuine considerations of national security and international stability, and are therefore unlikely to change in the short term.

[1] Established pursuant to resolution 70/33 of the General Assembly of the United Nations.

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II. Legal measures

Treaty on the Non-Proliferation of Nuclear Weapon (NPT)

3. Article VI of the NPT is the main existing legal foundation for nuclear disarmament. It requires NPT States parties to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament". Such negotiations could in principle be established through the NPT review process, which by tradition operates on consensus (although voting is theoretically possible). Agreement of the five NPT nuclear-weapon States is therefore required for the pursuit of specific disarmament actions through the NPT, unless the consensus tradition is ignored. As a nuclear disarmament measure, therefore, the NPT is currently blocked by nuclear-armed States.

Comprehensive Nuclear-Test-Ban Treaty (CTBT)

4. The CTBT was opened for signature in 1996, but is yet to enter into force as ratifications from eight States listed in Annex 2 of the treaty are still required. Its entry into force requires the agreement of all nuclear-armed States (and others). It is currently blocked by six nuclear-armed States (and two non-nuclear-armed States).

Fissile Material Cut-off Treaty (FMCT)

5. Commonly regarded as a major necessary component in a "step-by-step" approach to nuclear disarmament, negotiation of a treaty controlling fissile material has been on the agenda of the Conference on Disarmament (CD) for many years, but consensus has never been reached to begin negotiations. An FMCT would require the agreement and participation of at least some nuclear-armed States, but not necessarily all of them. As long as it is pursued in the Conference on Disarmament or other consensus-based setting, it is blocked by at least one nuclear-armed State. It could perhaps be negotiated elsewhere if several nuclear-armed States were prepared to proceed without one or two others.

Legally-binding negative security assurances

6. While several nuclear-armed States offer unilateral non-legally-binding negative security assurances (with various degrees of qualification), negotiation of a system of legally-binding assurances has been on the agenda of the Conference on Disarmament for many years, but consensus has never been reached to begin negotiations. Such a measure obviously requires the participation and agreement of the nuclear-armed States; currently it is blocked by several.

Comprehensive nuclear weapons convention

7. A comprehensive nuclear weapons convention, setting out general obligations, prohibitions and an effective basis for time-bound, irreversible and verifiable nuclear disarmament (analogous to the Chemical Weapons Convention), has been proposed by various States and civil society organizations, and is the officially preferred option of the Non-aligned Movement. The Conference on Disarmament has never reached consensus to begin negotiations on such a convention. While such a convention could in theory be negotiated without the participation of the nuclear-armed States, in practical terms this

would make little sense, and would probably be technically futile, to attempt to negotiate detailed disarmament and verification provisions without the involvement of any of the States to which these provisions would apply. A comprehensive nuclear weapons convention is therefore in all practical terms blocked by nuclear-armed States.

Convention prohibiting use of nuclear weapons

8. A convention which prohibits only the use of nuclear weapons, not their development or possession, has been proposed by at least one nuclear-armed State as an interim measure pending the negotiation of a comprehensive nuclear weapons convention. The idea has not been taken up by other nuclear-armed States. Given that a prohibition on use would apply principally to States which possess nuclear weapons, involvement of (at least a substantial proportion of) the nuclear-armed States would be required for this measure. It is currently blocked by several nuclear-armed States.

Treaty banning nuclear weapons

9. Some States and a number of civil society organizations (most prominently the International Campaign to Abolish Nuclear Weapons, ICAN) have proposed a treaty which would establish the key prohibitions necessary for the pursuit, achievement and maintenance of a world free of nuclear weapons, but which need not include detailed disarmament and verification provisions (although it would presumably have to specify the conditions under which nuclear-armed States could join)[2]. Agreement and participation of the nuclear-armed States would not be necessary for the negotiation of such a treaty. Negotiations could therefore commence – in a United Nations setting or elsewhere – as soon as a sufficient number of non-nuclear-weapon States decided to do so.

Framework convention

10. An option that has been discussed hypothetically rather than formally proposed, a framework convention would provide a legal structure and perhaps timetable for a set of mutually supporting instruments aimed at achieving and maintaining a world free of nuclear weapons. These would work in concert to establish the key prohibitions, obligations and arrangements for the achievement and maintenance of a world free of nuclear weapons[3]. Involvement of the nuclear-armed States would perhaps not be required for the negotiation of the framework itself, but would be necessary for various of the component instruments. This need not stop the development of the framework, however, and the measure could be pursued by a sufficient number of non-nuclear-weapon States, in a United Nations setting or elsewhere.

[2] For further details of a treaty banning nuclear weapons, see NPT/CONF.2015/PC.III/WP.18, annex II.

[3] For further details of a framework convention, see NPT/CONF.2015/PC.III/WP.18, annex III.

III. Other measures

Unilateral and/or bilateral stockpile reductions

11. Further bilateral reductions between the United States of America and the Russian Federation, although supported in principle by both sides, do not appear likely given the various conditions attached. None of the other NPT nuclear-weapon States have plans to reduce their stockpiles; on the contrary, all five NPT nuclear-weapon States have plans of various kinds to modernize and renew their arsenals. None of the nuclear-armed States outside the NPT has shown any indication or readiness to reduce its stockpiles. As a disarmament measure, therefore, stockpile reduction is currently blocked by all nuclear-armed States.

De-alerting

12. Various approaches to de-alerting, or measures to reduce the operational readiness of nuclear weapons, have been proposed by a number of States. Such proposals have not been taken up by nuclear-armed States, some of which argue that de-alerting would be destabilizing and thus counterproductive. De-alerting, at least in the forms that have been proposed to date, is blocked by several nuclear-armed States.

Development of verification capacity

13. It is widely recognized that whatever the eventual form and nuclear disarmament, effective verification will be both a formidable challenge and an absolute requirement for attaining and maintaining a world free of nuclear weapons. Work to examine and develop means of verification will therefore be needed well before any actual disarmament. On this basis, a number of nuclear-armed and non-nuclear-armed States have begun the International Partnership for Nuclear Disarmament Verification (IPNDV), and working discussions in this forum are scheduled to take place in 2016. This initiative could be expanded over time to include other States, and/or similar initiatives could be pursued by others.

IV. Conclusion

14. Most of the legal and other measures that have so far been proposed to attain and maintain a world without nuclear weapons are currently blocked by one or more nuclear-armed States (a table summarizing the situation is annexed). The only measures that could immediately be pursued in the current political and diplomatic environment are:

(a) A treaty banning nuclear weapons;

(b) A framework convention (but not necessarily the component instruments);

(c) Development of verification capacity.

15. These three possibilities are not mutually exclusive and could be pursued simultaneously. In particular, a treaty banning nuclear weapons could be one of the component elements of an overarching framework convention. As noted above, development of verification capacity will support any approach to disarmament, and indeed is already under way.

16. The fact that these three measures are the only ones currently open implies nothing about their intrinsic merits with respect to the other measures considered. It should not be concluded that efforts to make progress with the NPT, CTBT, FMCT, etc., should be abandoned. Indeed, any effort to pursue the open pathways should be done in such a way as to improve, or at least not damage, the prospects for progress on the other measures.

Annex

Table summarizing nuclear disarmament pathways

Measure	*Requires participation/ agreement of some or all nuclear-armed States*	*Current status*	*Notes*
NPT	Yes	Blocked by nuclear-armed States	Assuming consensus required in NPT review process.
CTBT	Yes	Blocked by nuclear-armed States (and 2 non-nuclear-armed States)	
FMCT	Yes	Blocked by a nuclear-armed State	Blocked in Conference on Disarmament; may be possible to negotiate elsewhere if not all nuclear-armed states required.
Legally-binding negative security assurances (NSAs)	Yes	Blocked by nuclear-armed States	
Comprehensive nuclear weapons convention	Yes	Blocked by nuclear-armed States	
Convention prohibiting use of nuclear weapons	Yes	Blocked by nuclear-armed States	
Treaty banning nuclear weapons	No	Open	Could be negotiated without participation of any nuclear-armed State.
Framework convention	No	Open	Framework itself could be negotiated without any nuclear-armed States, but individual components may require their involvement.
Unilateral/bilateral reductions	Yes	Blocked by nuclear-armed States	
De-alerting	Yes	Blocked by nuclear-armed States	
Developing verification capacity	Yes	Open; started	